

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ISRAEL MALDONADO RAMIREZ,

Plaintiff,

v.

DIRECTOR ALL HOSPITAL, et al.,

Defendants.

Case No. 1:22-cv-01642-ADA-SAB (PC)

ORDER TERMINATING ACTION
PURSUANT TO PLAINTIFF'S NOTICE OF
VOLUNTARY DISMISSAL

(ECF Nos. 21, 22)

Plaintiff Israel Maldonado Ramirez is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On June 7, 2023, Plaintiff filed two separate notices of voluntary dismissal. (ECF Nos. 21, 22.)

“[U]nder Rule 41(a)(1)(A)(i), ‘a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment.’ ” Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999) (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)). The Ninth Circuit has held that Rule 41(a) allows a plaintiff to dismiss without a court order any defendant who has yet to serve an answer or motion for summary judgment. Pedrina v. Chun, 987 F.2d 608, 609 (9th Cir. 1993).

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1 Here, no Defendant has filed an answer or motion for summary judgment in this case.
2 Therefore, Plaintiff's notice of dismissal is effective as of the date it was filed, and this case shall
3 be closed. (ECF Nos. 21, 22.)

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5 IT IS SO ORDERED.

6 Dated: **June 8, 2023**


UNITED STATES MAGISTRATE JUDGE